UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,383	02/12/2001	Karel Elbert Kuijk	NL 000045	1640

24737   7590   09/29/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY   10510

EXAMINER
PIZIALI, JEFFREY J

ART UNIT	PAPER NUMBER
2673	

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

<u>PERIOD FOR REPLY</u> [check either a) or b)]

a) ☒ The period for reply expires <u>4</u> months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on <u>19 August 2004</u>. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>*See Continuation Sheet*</u>.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: <u>*1-18*</u>.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____
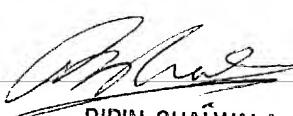
BIPIN SHALWALA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

J.P.
9/27/2004

Continuation of 5. does NOT place the application in condition for allowance because:

Applicant's arguments filed 19 August 2004 have been fully considered but they are not persuasive. The applicant contends the cited prior art of Shimura et al. (US 5,677,705) fails to teach that the mutually orthogonal signals are obtained from at least two types of orthogonal functions having four elementary units of time, within which four elementary units of time one pulse each time has a first polarity which opposes a second polarity of the other pulses. However, the examiner respectfully disagrees.

Shimura discloses the mutually orthogonal signals [Fig. 5, Ø(1) - Ø(8) for instance], wherein the mutually orthogonal signals are pulses obtained from at least two types of orthogonal functions [i.e. W(i,t)] having four elementary units of time [Fig. 5, t], within which four elementary units of time one pulse each time has a first (i.e. 1, for instance) polarity which opposes a second (i.e. -1, for instance) polarity of the other pulses (see Column 1, Line 39 - Column 5, Line 60).

Each illustrated time segment [Fig. 5, t = 1, 2, 3, 4, 5, 6, 7, 8] may be divided into an infinite number of sub-segments of time. Therefore, for example, time segment t=3 is inherently divided into four sub-segments t3-1, t3-2, t3-3, and t3-4 (constituting merely a labeling convention). During all four sub-segments (i.e. elementary units of time), pulse Ø(1) has a positive polarity opposing other pulses Ø(3)-Ø(6).

The applicant's most recent arguments state, "this indiscriminate division of a time segment by Examiner Piziali is neither taught nor suggested by Shimura. Moreover, this indiscriminate division of a time segment by Examiner Piziali opposes the teachings of FIG. 5 of Shimura, which is based on each time segment being the smallest unit of time for eight (8) Walsh functions illustrated in FIG. 5" (see pages 9-10 of the arguments). The examiner respectfully counters that the existence of sub-segments of time between Shimura's labeled time segments is inherent. To teach a range of 1-second is to inherently disclose (among infinite others) the sub-time units of 1/4-second, 1/2-second, 2/3-second, and 7/8-second.

By such reasoning, rejection of the claims is deemed necessary, proper, and thereby maintained at this time.